

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

BASF AGRO B.V., ARNHEM (NL),  
WÄDENSWIL BRANCH, and BAYER  
S.A.S.,

Plaintiffs,

v.

CHEMINOVA, INC.

Defendant.

**Civ. Action No. 10-CV-274**

**MOTION TO FILE DOCUMENTS  
UNDER SEAL**

Defendant Cheminova, Inc. (hereinafter "Defendant") hereby move the Court to file under seal Exhibits 7, 8 and 9 attached thereto in the Declaration of Joshua C. Krumholz filed therewith.

In support of this Motion, Defendants state as follows:

The parties to this case entered into a Stipulated Protective Order ("the Protective Order") entered by the Court on August 27, 2010. (Docket No. 40.) Paragraph II.B.1 of the Protective Order defines "confidential information" as non-public information that involves the personal or privacy interests of individuals under the laws where such individuals reside. Paragraph II.B.2 of the Protective Order defines "highly confidential information" as confidential information whose disclosure would be likely to cause harm to the competitive position of the producing party. Paragraphs VIII.2 and VIII.3 of the

Protective Order states that a party may file documents under seal with the Court if it is necessary to submit confidential or highly confidential material.

Specifically, Exhibits 7, 8 and 9 to the Declaration of Joshua Krumholz have been marked highly confidential by Plaintiffs because they contain information “whose disclosure would be likely to cause harm to [their] competitive position.” Accordingly, Defendants hereby move the Court under paragraphs VIII.2 and VIII.3 of the Protective Order to seal these documents.

WHEREFORE, Defendants move this Court to file and retain under seal Defendant's Opening Claim Construction Brief, the Exhibits appended thereto, and the Declaration of Joshua C. Krumholz filed therewith.

Respectfully submitted this 13th day of December, 2010.

Respectfully submitted,

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## **CERTIFICATE OF SERVICE**

I hereby certify that on the thirteenth day of December, 2010, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to:

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